

MEMORANDUM

DATE: January 9, 2004

TO: Ms. Marianne Smith
Dr. Joseph Keyes

FROM: Ms. Rita Landgraf
Chairperson
State Council for Persons with Disabilities

RE: DDDS Draft Strategic Plan

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Developmental Disabilities Services' (DDDS) draft Strategic Plan (FY 2002 – FY 2007). SCPD truly appreciates the opportunity to comment and has the following observations and recommendations.

First, on page 1, DDDS indicates that implementation of H.B. 30 (attendant services bill) is completed and that a reference to “work to establish Medicaid waiver programs” can be deleted. SCPD recommends that DDDS retain a section on attendant services which addresses both support for the proposed attendant services Medicaid waiver (which would benefit DDDS clients) and expansion of the attendant services program generally (e.g. through input to “Tobacco” committee). See attached DSAAPD July 2003 update and SCPD October 6 and 29 letters to “Tobacco” committee.

Second, on the same page, the reference to “work to establish Medicaid waiver programs” should be amended to include support for the DHSS ABI Medicaid home and community based services waiver recently submitted to CMS. This waiver, although administered by DSAAPD, could cover some DDDS clients.

Third, on page 2, under public policy, SCPD recommends that DDDS consider issuing regulations, not simply policies, in conformity with the Administrative Procedures Act and 29 Del.C. §7909A. This enhances public input on proposals and is the general approach adopted by other DHSS divisions, including DSS and the DLTCRP. The Division’s enabling statute contemplates issuance of “regulations”. In addition, SCPD recommends including an “action step” in this section which states that DDDS will have regularly scheduled and advertised Advisory Council meetings which are accessible to the public. It is Council’s understanding that meeting dates, times and locations tend to

change and are not advertised to the public. Therefore, interested individuals are not able to actively participate in the meetings.

Fourth, on page 2, the “action step” reference to updating the Website with information on program, policy and procedures is appropriate. However, the corresponding “progress item” is underinclusive. It would be preferable to include all DDDS policies compiled in the Community Policy and Administrative Policy manuals on the Website. For reference, please compare the Department of Education’s (DOE) Website, which compiles almost all DOE standards.

Fifth, on page 3, the compilation of legislative analysis reports is a laudable objective. However, it would be helpful to clarify to whom the reports would be issued. Is this a method of educating consumers about pending federal and state initiatives or conceptually an “in-house” document?

Sixth, on page 3, the Stockley Center bill (H.B. 174) appears to be languishing within the Department of Corrections (DOC). SCPD recommends that DDDS adopt some proactive action steps to secure enactment.

Seventh, on pages 3, 18, or elsewhere, DDDS may wish to add a reference to support for the AT loan initiative. This initiative would deflect some demand for DDDS funding for AT and support natural families.

Eighth, on page 4, the plan contains the following positive “action step”: (d)develop comprehensive self-determination training programs for key stakeholders. However, the related “progress item” only refers to staff. SCPD recommends that self-determination training also be provided to individuals who receive services and their families.

Ninth, on page 6, it would be preferable to specifically mention reconsideration of including “environmental modifications” in waivers. See attached the Disabilities Law Program's article which is pending publication in the DATI Messenger.

Tenth, on page 7, the DDDS family survey could also include environmental modifications.

Eleventh, on pages 9-10, SCPD recommends that DDDS incorporate incentives in its contracts and rates to encourage community-based employment as juxtaposed to sheltered workshop activities. See attached October 21 DLP redacted letter.

Twelfth, on page 9, the plan indicates that the “Mercer” analysis is complete. Council respectfully requests a copy of the final Mercer Report.

Thirteenth, on page 11, the references to raising base salaries of direct service staff should be updated to include the DHSS request reflected in the FY 04 budget reviewed by the Budget Office in November 2003.

Fourteenth, on pages 13, 25, 41 or elsewhere, DDDS may wish to add a new tracking initiative to anticipate the number of students with TBI exiting the special education system similar to “special school graduate” information. With enactment of S.B. 105, the DOE will begin to collect more

accurate information on TBI students who will be transitioning to the adult services system. See August 13 memo from Dr. Martha Brooks. This information has not been available to DDDS in the past and should be helpful in developing budget and new client projections.

Fifteenth, on page 24 or elsewhere, since the TBI population is a relatively new client group for DDDS, the Division may wish to add a reference to establishing a relationship with the Brain Injury Association of Delaware (or SCPD Brain Injury Committee) analogous to The Arc's role with the mental retardation population. For example, DDDS should solicit representation of this constituency on the Governor's Advisory Council to DDDS. Moreover, outreach to this constituency could be mentioned.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations and recommendations on the draft plan.

cc: SCPD Brain Injury Committee
The Arc of Delaware
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council
Ms. Sandra Reyes, Esq.

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